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Congress of the United States  
House of Representatives  
Washington, DC 20515

May 5, 2020

Acting Director Matthew Albence  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
500 12th St. SW  
Washington, D.C. 20536

Dear Acting Director Albence,

I write with serious concerns about the public health risks of detainees and staff at detention facilities operated by the U.S. Immigration and Customs Enforcement (ICE) and contract facilities nationwide during the coronavirus (COVID-19) outbreak. As of May 4, 2020, the ICE website reports 606 confirmed cases of COVID-19 among detainees in ICE custody across 37 ICE detention facilities, with 1,285 total detainees tested.

It was recently brought to my attention that ICE continues to transfer detainees to meet contract minimums at their contract facilities. As an example, the Aurora Contract Detention Facility had 462 detainees at their facility last week, falling below their contract minimum of 525. After moving 100 detainees out, ICE transferred 166 new detainees into the facility. While they now meet the required number of detainees, one third of the population at this facility are new arrivals. These detainees present a significant risk of exposure to the existing population, staff, and surrounding community at the Aurora Contract Detention Facility. The movement and exposure of those brought in through enforcement and removal operations prior to their detention is unknown.

While there may be a record of potential exposure for detainees transferred from another facility, it is not necessarily reassuring. In fact, one of the new detainees was placed in isolation upon arrival from the Sterling Correctional Facility, which has the largest single COVID-19 outbreak in Colorado. Transferring large numbers of detainees to meet ICE contract minimums increases risk of exposure and spread and must be halted immediately and throughout the duration of the COVID-19 outbreak.

The situation is compounded by our concern about the U.S. Department of Homeland Security's ability to protect the health and safety of detainees and their staff. Last year, detention facilities in Colorado, Arizona, and Texas instituted quarantines in response to viral disease outbreaks among their detainee populations. Despite these public health concerns, ICE expanded capacity and transferred detainees into facilities impacted by these outbreaks. At the end of the viral disease outbreak, the CDC reported a total of 898 confirmed mumps cases across 19 states among the detainees in 57 facilities between September 1, 2018 and August 22, 2019. With past infectious disease outbreaks, there was some dampening of spread due to vaccination and immunity via previous infection. As a novel coronavirus, there is no such immunity among detainees, making the potential spread and impact significantly worse.

These practices raise serious questions about the existing public health standards and procedures in both detention facilities operated by ICE and contract facilities nationwide. I request ICE to immediately halt the transferring of detainees between ICE operated and contract facilities to meet contract minimums throughout the duration of the COVID-19 outbreak.

Sincerely,



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JASON CROW  
Member of Congress